

A deed held not to be a technical mortgage within the contemplation of this section. *Bank of Commerce v. Lanahan*, 45 Md. 407. And see *Harrison v. Annapolis, etc., R. R. Co.*, 50 Md. 514.

A corporation can not exercise a power of sale under this section. *Frostburg Bldg. Assn. v. Lowdermilk* 50 Md. 179; *Queen City Bldg. Assn. v. Price*, 53 Md. 399; *Chilton v. Brooks*, 71 Md. 452.

The act of 1785, ch. 72, held not to alter or abridge any other remedy which the mortgagee had. *Andrews v. Scott*, 2 Bl. 666.

A married woman may exercise a power of sale. *Bouldin v. Reynolds*, 58 Md. 495.

This section is applicable to Baltimore city. *Roberts v. Loyola Bldg. Assn.*, 74 Md. 6; *Knapp v. Anderson*, 89 Md. 191.

The provisions of the act of 1833, ch. 181, section 2, apply exclusively to Baltimore city. *Hays v. Dorsey*, 5 Md. 99.

The act of 1825, ch. 203, held to be applicable to a mortgage executed prior to the passage of said act. *Hubbard v. Jarrell*, 23 Md. 81.

Formerly where a mortgagor took the benefit of the insolvent law, the mortgagee or his assigns, lost the benefit of the power of sale under this section. (For the present law, see article 47, section 25.) *Mackubin v. Boardman*, 54 Md. 385. See also, *Ensor v. Lewis*, 54 Md. 397; *Queen City Bldg. Assn. v. Price*, 53 Md. 401; *White v. Malcolm*, 15 Md. 545.

The portion of this section declaring the power of sale to be divisible, referred to in construing the local law applicable to Baltimore city. *Richardson v. Owings*, 86 Md. 667.

Cited but not construed in *Davis v. Blackstone*, 108 Md. 641; *Rosenstock v. Keyser*, 104 Md. 382; *Bernstein v. Hobelman*, 70 Md. 36; *Stanhope v. Dodge*, 52 Md. 493; *Carroll v. Keishner*, 47 Md. 276; *Horsley v. Hough*, 38 Md. 136; *Neal v. Hagthorpe*, 3 Bl. 573.

See sections 23 and 32.

1904, art. 66, sec. 7. 1888, art. 66, sec. 7. 1860, art. 64, sec. 6. 1826, ch. 192, sec. 2.

7. Before any person so authorized shall make any such sale, he shall give bond to the State in such penalty and with such security as shall be approved by the judge or clerk of a court of equity of the city or county in which the mortgaged premises lie, or in case of goods and chattels, where the same may be, to abide by and fulfill any order or decree which shall be made by any court of equity in relation to the sale of such mortgaged property or the proceeds thereof; and such bonds shall be and remain as an indemnity to and for the security of all persons interested in such mortgaged property or the proceeds thereof and be subject to be sued as other bonds taken in the name of the State and subject to the same limitations and disabilities as such other bonds.

This section sets out the only pre-requisite of a sale under section 6. *Heider v. Bladen*, 83 Md. 243; *Erb v. Grimes*, 94 Md. 102.

In sales under section 6, the trust commences with the filing of the bond under this section, and the jurisdiction of the court becomes complete on the report of sale under section 9. *Warehime v. Carroll County Bldg. Assn.*, 44 Md. 516. And see *Wilson v. Watts*, 9 Md. 459; *Warfield v. Dorsey*, 39 Md. 308; *McCabe v. Ward*, 18 Md. 508.

If a bond is defective, the defect must be raised by exceptions to the ratification of the sale, and can not be inquired into collaterally. *Cockey v. Cole*, 28 Md. 282 (qualifying *McCabe v. Ward*, 18 Md. 509).

Where a bond is filed on the day of sale, the law presumes that it was filed before the sale. *Hubbard v. Jarrell*, 23 Md. 83.

Where a bond filed in the circuit court for Baltimore city is conditioned to fulfil any order or decree of the Baltimore county court, the bond is a nullity, and the sale will be set aside. *McCabe v. Ward*, 18 Md. 509. Cf. *Cockey v. Cole*, 28 Md. 282.